

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 11, 2003

D039499 People v. Villatoro

The commitment order is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Aaron, J.

D041326 In re John D., a Juvenile

The appeal is dismissed. McDonald, J.; We Concur: Benke Acting P.J., Huffman, J.

D041924 In re D.J.O., a Juvenile

The orders are affirmed. McConnell, J., We Concur: Benke Acting P.J., Huffman, J.

D042262 In re Johnson on Habeas Corpus

The petition is denied.

D042415 Hawaii D. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Hawaii D. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D038182 Henson etc. v. Telebrands Corporation et al.

The appeal is dismissed as to Kmart Corporation.

D041712 People v. Engel

Upon written request filed by appellant, the appeal is dismissed.

Court convened at 1:30 p.m.

Present: The Honorable James McIntyre, Acting Presiding Justice, and The Honorable Associate Justices Judith McConnell and Cynthia Aaron

Clerk: D. E. Moore

D039822 Hombs v. Attwood

Cause called on merits. No appearance by Robert Attwood, appellant in pro per. Whitney Laughlin, Esq. was present in oral argument for respondent, and submitted on the briefs that had been filed. Cause submitted.

D039668 People v. Brabyn

Cause called on merits. Loretta Brabyn, argued for appellant in pro per. Randal R. Morrison, Esq. argued for respondent. Ms. Brabyn replied. Cause submitted.

D039962 Gonzalez et al. v. Paradise Valley Hospital et al.

Cause called on merits. Charles A. Bleiler, Esq. argued for appellant. Martha L. McGill, Esq. argued for respondent, Jon E. Highum. Hugh A. McCabe, Esq. argued for respondent, Paradise Valley Hospital. Mr. Bleiler replied. Cause submitted.

Court recessed at 2:26 p.m. to change panels. New panel members: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Judith McConnell and Cynthia Aaron

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 11, 2003 (Continued)

D041698 In re Julian A. et al. Juveniles

Cause called on merits. Neil Trop, Esq. argued for appellant. Carl Fabian, Esq. argued for the minor. Caitlin Rae, Deputy County Counsel argued for respondent. Mr. Trop replied. Cause submitted.

D041645 In re Rico L., a Juvenile

Cause called on merits. Neil Trop, Esq. argued for appellant. Suzanne Evans, Esq. argued for the minor. Gary Seiser, Deputy County Counsel argued for respondent. Mr. Trop replied. Cause submitted.

D041335 BCP/Fox Hollow, LLC et al. v. Alpha III, Inc., et al.

Cause called on merits. Michael H. Fish, Esq. argued for appellant. Alexander F. Wiles, Esq. argued for respondent. Mr. Fish replied. Cause submitted.

Court recessed at 3:50 p.m. until Tuesday, August 12, 2003 at 9 a.m.

D040598 Baviache v. Consolidated Process Machinery, Inc.

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 12, 2003

D042266 Alexander J. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petitions are denied. McIntyre, J.: We Concur: McDonald, Acting P.J., McConnell, J.

Court convened at 9 a.m.

Present: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and James McIntyre
Clerk: D. E. Moore

D040272 McCullough v. McCullough

Cause called on merits. John Knoll, Esq. argued for appellant. Cause submitted.

D040215 People v. Scott

Cause called on merits. Gary E. Nelson, Esq. argued for appellant. Ron Jacobs, Deputy Attorney General argued for respondent. Mr. Nelson replied. Cause submitted.

D040868 Rodriguez et al. v. Morgan Stanley DW, Inc., et al.

Cause called on merits. Kevin Fitzgerald, Esq. argued for appellant. Timothy C. Karen, Esq. argued for respondent. Mr. Fitzgerald replied. Cause submitted.

D040898 Chambless v. Draeger Medical, Inc.

Cause called on merits. Michael Joseph Faber, Esq. argued for appellant. Charles R. Messer, Esq. argued for respondent. Mr. Faber replied. Cause submitted.

Court recessed at 10:01 a.m. until 1:30 p.m.

D042338 James C. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Kenya M. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. While petitioner has filed a petition of her own behalf, it does not raise any cognizable issues. The case is dismissed.

D042122 In re Destiny V., a Juvenile

The appeal is dismissed.

D039208 People v. Harris

The judgment is affirmed. Aaron, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D042227 David A. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. McIntyre, J.; We Concur: McDonald, Acting P.J., McConnell, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 12, 2003 (Continued)

D041146 California Maritime Academy et al. v. Adams

D041740 Adams v. California Maritime Academy et al.

The orders are affirmed. Aaron, J.: We Concur: McIntyre, J., McConnell, J.

D042676 In re Morgan on Habeas Corpus

The petition is denied.

D042264 In re Robinson on Habeas Corpus

The petition is denied.

D041484 In re Elizabeth H., a Juvenile

D041692 (Consolidated)

The petition for rehearing is denied.

D042547 Cordoba v. Superior Court of San Diego County/People

The petition is denied.

D042273 Segrest v. The Regents of the University of California

The appeal is dismissed.

D042065 People v. Sale

The appeal is dismissed.

D042120 Zappia v. Micuda et al.

The appeal is dismissed.

Court reconvened at 1:30 p.m.

Present: The Honorable Alex McDonald, Acting Presiding Justice, and The Honorable Associate Justices
James McIntyre and Judith McConnell

Clerk: D. E. Moore

D040213 Morgenstern v. Department of Motor Vehicles

Cause called on merits. Kathryn M. Megli, Deputy Attorney General argued for appellant. Richard W. Trost, Esq. argued for respondent. Ms. Megli replied. Cause submitted.

D040222 Heckers v. Department of Motor Vehicles

Cause called on merits. Chris Knudsen, Deputy Attorney General argued for appellant. David A. Kay, Esq. argued for respondent. Mr. Knudsen replied. Cause submitted.

D041021 Bray v. El Cajon Motors

Cause called on merits. Steven E. Boehmer, Esq. argued for appellant. Michael Edward Lindsey, Esq. argued for respondent. Mr. Boehmer replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 12, 2003 (Continued)

D041882 The Redevelopment Agency of the City of San Diego v. San Diego Gas & Electric
Cause called on merits. Richard G. Opper, Esq. argued for appellant. C. Larry Davis, Esq. argued for respondent. Mr. Opper replied. Cause submitted.

Court recessed at 3:17 p.m. until Wednesday, August 13, 2003 at 9 a.m.

D042278 Boyce v. Superior Court of San Diego County/Arreola
The petition is denied.

D042684 McFarland etc., et al. v. Superior Court of San Diego County/UDR California Properties
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 13, 2003

Court convened at 9:00 a.m.

Present: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and James McIntyre
Clerk: D. E. Moore

D040503 People v. Nouri

Cause called on merits. William M. McGuigan, Esq. argued for appellant. Marvin Mizell, Deputy Attorney General argued for respondent. Mr. McGuigan replied. Cause submitted.

D039953) Cacho et al. v. Johnson

D041060) Cacho et al. v. Johnson

Cause called on merits. Bruce Cornblum, Esq. argued for appellant/cross-respondent. Elvi J. Olesen, Esq. argued for respondent/cross-appellant. Mr. Cornblum replied. Cause submitted.

Court adjourned at 9:56 a.m.

D041273 In re Marcus A., a Juvenile

The juvenile court's order declaring Marcos a ward is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Huffman, J.

D042313 Bouton et al. v. Superior Court of San Diego County/Lebeau et al.

The petition is denied.

D042132 Merrill Lynch Business Financial Services, Inc., et al. v. Quality Assured Distributors, Inc., et al.

The appeal is dismissed for failure of appellants to timely deposit costs for preparing the record.

D042681 Drafton B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The notice of intent to file a writ petition was not timely filed and does not specify any hearing date(s). Additionally, concurrently filed writ petition is incomplete. Accordingly, these proceedings are dismissed.

D042281 In re Munoz on Habeas Corpus

The petition is denied.

D042448 In re the Marriage of Carpenter

The order dismissing the appeal is vacated and the appeal is reinstated.

D042668 In re Kendall O., a Juvenile

To the extent defacto mother Dovie H. purports to appeal from the juvenile court's May 13, 2003 order, the appeal is duplicative of her appeal in D042344. She also purports to appeal from a juvenile court order of June 27, 2003; however, there is no record the juvenile court made an order on that day. Accordingly the appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 13, 2003 (Continued)

D040768 Kassab v. Client Security Fund Commission of the State Bar of California/Foytack
The petition for rehearing is denied.

D041975 Pickrell et al. v. Cytodyne Technologies, Inc.
The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 14, 2003

D040707 In re A.C., a Juvenile

The order is affirmed. McDonald, J.; We Concur: Haller, Acting P.J., McIntyre, J.

**D040605 Nestande et al. v. Laurence M. Watson, as County Counsel etc., et al./
Songstad et al.**

We affirm the trial court's orders denying Songstad's request for attorney fees against Lever and Watson, and granting Lever and Watson's motion to strike costs. Lever and Watson are entitled to costs on appeal. CERTIFIED FOR PUBLICATION. Aaron, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D042610 In re Holt on Habeas Corpus

The petition is denied.

D042682 In re Consiglio on Habeas Corpus

The petition is denied.

D042399 In re Consiglio on Habeas Corpus

The petition is denied.

D042660 In re Consiglio on Habeas Corpus

The petition is denied.

D042483 In re Consiglio on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 15, 2003

D040213 Morgenstern v. Department of Motor Vehicles

The judgment is reversed and the case remanded to the trial court with directions to deny Morgenstern's petition for writ of mandate and to reinstate the DMV's suspension order. The DMV is entitled to recover its costs of appeal. CERTIFIED FOR PUBLICATION. McIntyre, J.;
We Concur: McDonald, Acting P.J., McConnell, J.

D042315 TDY Industries, Inc. v. Superior Court of San Diego County/San Diego Unified Port District

The petition is denied.

D042424 In re Welch on Habeas Corpus

The petition is denied.

D042254 Michelle G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. McIntyre, J.; We Concur: McDonald, Acting P.J., McConnell, J.

D040222 Heckers v. Department of Motor Vehicles

The judgment is reversed and the case remanded to the trial court with directions to deny Heckers's petition for writ of mandate and to reinstate the DMV's suspension order. The DMV is entitled to recover its costs of appeal. McIntyre, J.; We Concur: McDonald, Acting P.J., McCoonnell, J.

D041021 Bray v. El Cajon Motors

The judgment is affirmed. McConnell, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

D042301 In re Rogers on Habeas Corpus

The petition is denied.